DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Mark Travers Architects

LOCATION OF PROPOSAL: 6021 173rd Avenue SE

NAME & DESCRIPTION OF PROPOSAL: Brancato Garage and Guest Cottage

The construction of a garage which requires temporary excavation and restoration into part of a steep slope critical area.

FILE NUMBER: 12-110520-LO

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on 8/23/12.

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project): or if the DNS was procured by misrepresentation or lack of material disclosure.

Michael M. Paine for
Environmental Coordinator

8/9/2012
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Brancato Garage and Guest Cottage
Proposal Address:	6021 173rd Avenue SE
Proposal Description:	Land Use review of a proposal to reduce a 50-foot buffer and 75-foot toe-of-slope structure setback from a steep slope critical area to construct a garage and a detached guest cottage. Temporary disturbance of a steep slope critical area is included.
File Number:	12-110520-LO
Applicant:	Mark Travers Architects
Decisions Included	Critical Areas Land Use Permit (Process II. 20.30P)
Planner:	Reilly Pittman, Land Use Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** Carol V. Helland, Environmental Coordinator Development Services Department
Director's Decision:	**Approval with Conditions** Michael A. Brennan, Director Development Services Department By: _____ Carol V. Helland, Land Use Director

Application Date:	March 30, 2012
Completeness Date:	June 11, 2012
Notice of Application Date:	June 21, 2012
Decision Publication Date:	August 9, 2012
Project Appeal Deadline:	August 23, 2012

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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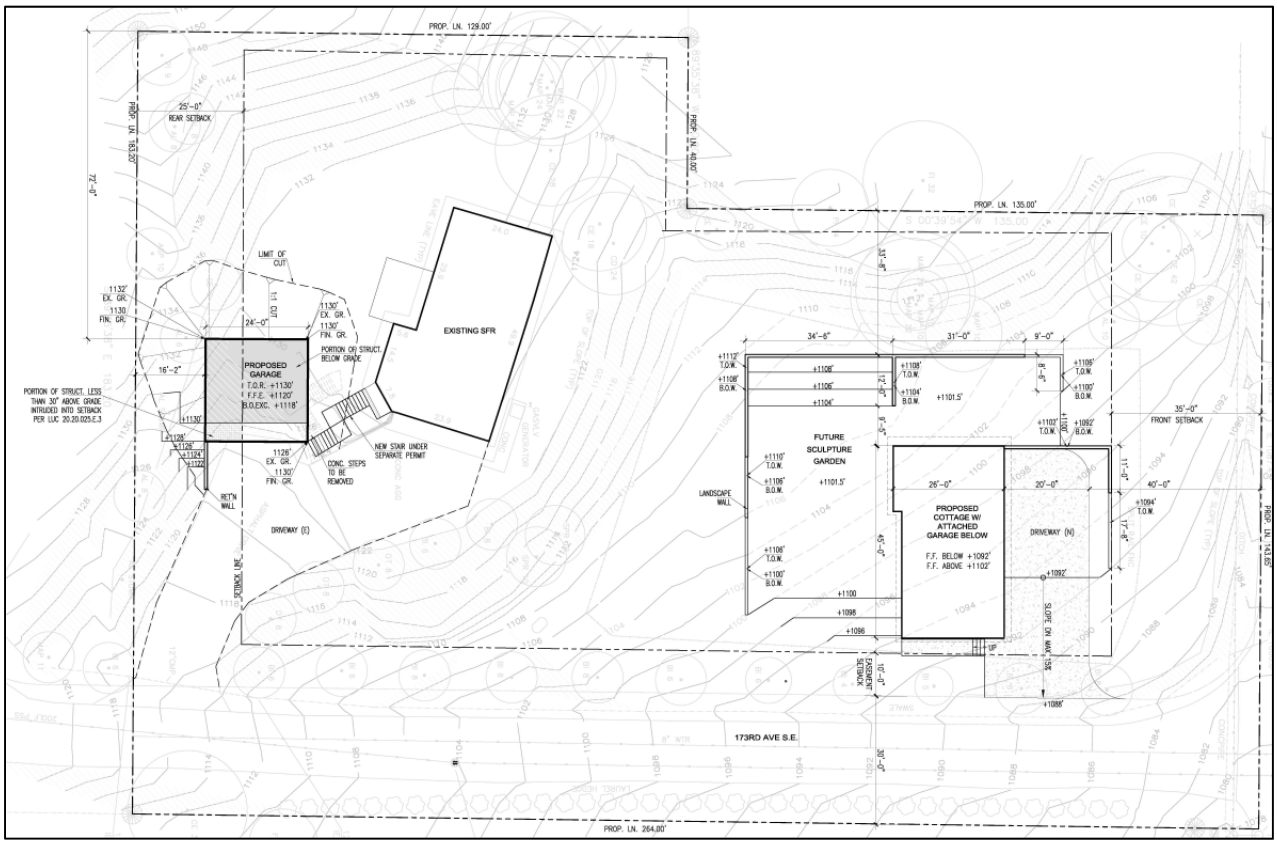
Attachments

1. Site Plans and Mitigation Planting Plan – Enclosed
2. Steep Slope Planting Templates – Enclosed
3. Maintenance and Monitoring Template – Enclosed
4. Geotech Report and Letter prepared Geotech Consultants – In File
5. Critical Areas Report – In File
6. Forms, Application Materials, SEPA Checklist – In File

I. Proposal Description

The applicant proposes to construct a detached, below-grade garage and a detached guest cottage. The structures are proposed in areas constrained by buffers and setbacks of steep slope critical areas. As outlined in the applicant's geotechnical report, the proposed location of the structures and necessary excavation meets the code requirement for long-term stability as outline in section III of the report. Construction of the proposed guest cottage will impact 5,500 square feet of toe-of-slope setback. Similarly, excavation of the garage will temporarily impact 1,000 square feet of slope buffer slope with some excavation located in steep slopes. The finished garage will impact 576 square feet of the slope buffer, but will be mostly underground or no more than 30 inches above grade when the excavated area is restored, covering the garage. A Critical Area Land Use Permit is required to approve modification of the toe-of-slope setback and top-of-slope buffer. See Figure 1 below for a site plan.

Figure 1



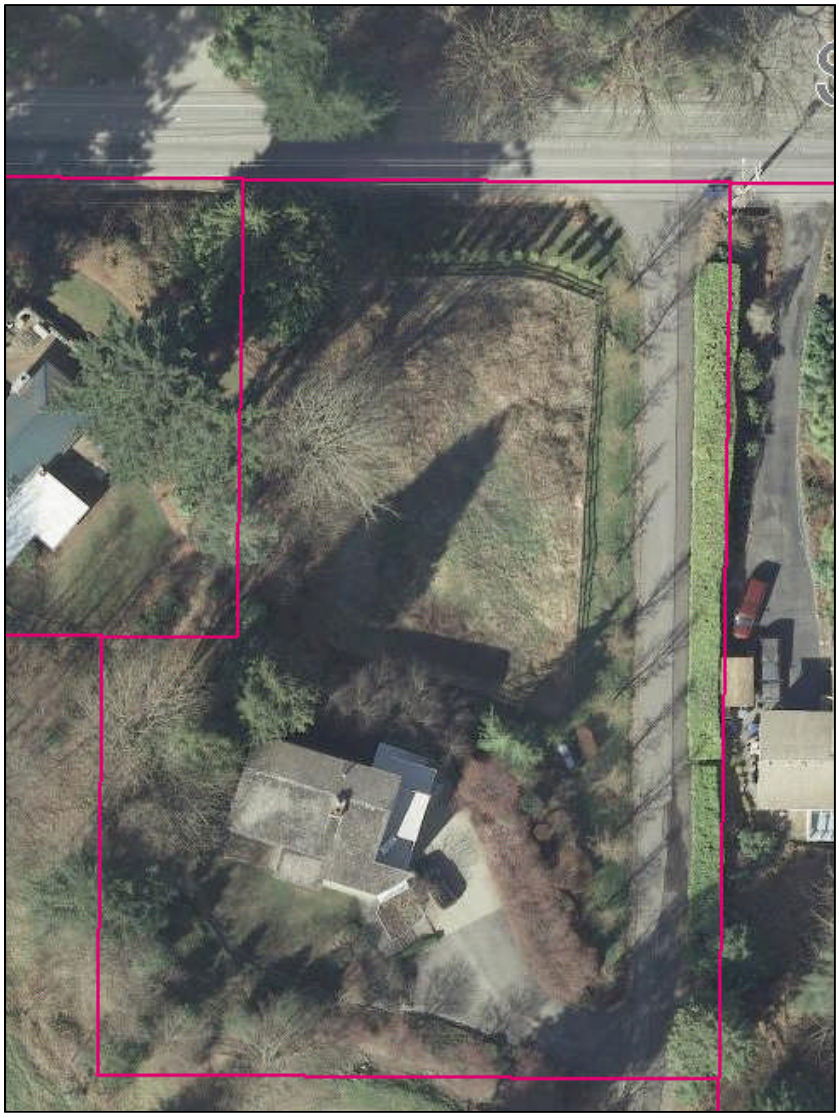
II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The project site is located at 6021 173rd Avenue SE in the Newcastle subarea of the City. The site and vicinity are all developed and zoned single family residential. Vehicle access is obtained from SE 60th Street to the north via a shared private driveway. From SE 60th Street

the grade rises to a flatter pasture area on the property and then slopes steeply up to the house area which flattens again. The slopes then rise steeply south of the house in the southwest corner of the property. See figure 2 for existing site condition.

Figure 2



B. Zoning

The property is zoned R-1, which allows structures associated with single-family development.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-L (Single Family Low Density).

D. Critical Areas On-Site and Regulations

i. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-1 zoning dimensional requirements found in LUC 20.20.010 apply to the proposed construction. The plans submitted generally demonstrate conformance with zoning dimensional standards, however conformance will be verified during building permit review.

Based on the plans the proposed detached garage is below grade, meeting the definition of an underground structure and is exempt from lot coverage calculation. The garage entry is allowed to be above grade to allow for access. The visible portion of the garage is 30 inches or less above the average existing grade. Any structure which is 30 inches or less can be built within required setbacks. The proposed garage is within the required 25-foot rear yard setback as the structure is underground and/or 30 inches or less from the average existing grade. The plans for the future building permit must show the garage conforms to these requirements otherwise the garage will not be allowed within the rear setback or may be required to be calculated as structural lot coverage. **See Conditions of Approval in Section X of this report.**

As proposed, the detached guest cottage meets all setbacks and other zoning requirements. Guest cottages are only allowed on properties with at least 13,500 square feet of lot area. A guest cottage is not allowed to be rented as a separate dwelling unit. As part of the building permit the owner will be required to record a guest cottage agreement with King County that will limit use of the cottage to only non-paying guests, domestic employees, or the residents of the main residence, and restricts the cottage from being rented or sublet. The recorded agreement is in place for the life of the structure. **See Conditions of Approval in Section X of this report.**

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer

or structure setback from a critical area or buffer. The project area is within a 50-foot top-of-slope buffer and a 75-foot toe-of-slope setback from a steep slope critical area and is subject to the performance standards found in LUC 20.25H.125 below.

i. Consistency with LUC 20.25H.125

Development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

1. **Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;**
   No structures are located within steep slope critical areas. The temporary excavation required to construct the garage will disturb some steep slopes. The temporary excavation will be restored. The proposed garage is underground and is supporting the slopes above it per the geotech report.

2. **Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;**
   The proposed structures on the property are located outside of any steep slope critical areas and vegetation is retained on the steep slope. The temporary excavation required will remove a small alder and cedar tree which are not significant trees as they are less than 8 inches in diameter. The guest cottage is located in an existing pasture area that has been maintained with minimal vegetation as it was a drain field. The project will be required to provide mitigation planting that will include trees and shrubs.

3. **The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;**
   The project geotechnical engineer found that the “proposed project will not increase the geologic hazards on the neighboring property” if the project is constructed per their recommendations (Geotech Letter, Pg.1).

4. **The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;**
   No rockeries or retaining walls are proposed within steep slope critical areas. Proposed walls are located in flatter areas and conform to this requirement.

5. **Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**
   The only construction within a buffer or steep slope is related to the garage which is underground. Only a minimal amount of new impervious surface will be directly exposed to act as a surface for runoff. The garage is using the existing

driveway. The guest cottage is not located in a steep slope or slope buffer. The cottage is within a structure setback from the toe-of-slope. The overall impervious coverage on the site is calculated at just over 14 percent; the site is allowed to have 50 percent coverage.

6. **Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;**
   Temporary excavation will occur for the garage and will be within a steep slope critical area. The area will be restored following construction of the garage which will be below grade and mostly underground. The garage will act to provide some support to the slopes above it.

7. **Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;**
   The garage will act to provide some support to the slopes above it. The walls proposed around the guest cottage are located in the existing pasture area and are to allow for landscaping. No walls are located within a steep slope or buffer.

8. **On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;**
   No structures are to be located in steep slope critical areas. A stairway from the existing house to the garage is proposed which will be located in the slope buffer.

9. **On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and**
   No structures are located in steep slope critical areas.

10. **Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.**
    The project will provide 4,797 square feet of mitigation planting for the modification of the slope setback and buffer. Non-significant trees are proposed for removal and are primarily located in the area to be temporarily excavated for construction of the garage. The project proposes mitigation planting but needs to include trees and shrubs to be consistent with the City's planting templates for steep slope areas. Based on the templates and the area of planting proposed at

least 21 trees and 112 shrubs are required. The plants can be 1 to 2 gallons in size at installation. This plant density assumes a 15-foot on-center spacing for trees and 6-foot spacing for shrubs. The planting area shall be consolidated on the site and located preferably on the steep slopes on the property or in areas of invasive plant coverage. The area of temporary disturbance should be included in the planting area. A revised planting plan is required to be submitted with the building permit application that demonstrates these requirements.

The planting is required to be maintained and monitored for a period of at least five years per the City's established monitoring and maintenance template to achieve the following:

Year 1 (from date of plant installation)

- *100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%*
- *0% coverage of invasive plants in planting area*

Year 2 (from date of plant installation)

- *At least 90% survival of all installed material*
- *Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation*

Year 3, 4, & 5 (from date of plant installation)

- *At least 85% survival of all installed material*
- *At least 35%(Yr3), 50%(Yr4), 70%(Yr5) coverage of the planting area by native plants in each year respectively*
- *Less than 10% coverage by invasive species or non-native/ornamental vegetation*

A maintenance surety will be required based on a submitted cost estimate. The surety will be released after the five-year monitoring, assuming the monitoring has been successful. **See Conditions of Approval in Section X of this report.**

ii. Consistency with LUC 20.25H.140 and LUC 20.25H.145

Modification of a top-of-slope buffer and a toe-of-slope setback requires a critical areas report as part of the application for a Critical Area Land Use Permit. The applicant has obtained the services of a qualified geotechnical engineering company to study the site and document the observed conditions. Staff has reviewed the following documents:

- Geotech Report dated March 2, 2012 prepared by Geotech Consultants
- Supplemental geotech letter prepared dated June 4, 2012

This geotechnical analysis finds that the proposal does not increase risk to adjacent properties, is not altering the steep slopes, and that the proposed garage will improve slope stability by providing support at the toe-of-slope. The geotech finds that the

construction proposed has been designed so that the "potential hazard from the critical areas has been mitigated" and that the structures are "safe as designed" under anticipate conditions (June 4 letter, pg. 1). Per LUC 20.30P.170, approval of projects to modify slope buffers or steep slope critical areas require the proponent to complete a Hold Harmless Agreement with the City. The agreement is required to be completed prior to building permit issuance on a form provided by the City. **See Conditions of Approval in Section X of this report.**

IV. Public Notice and Comment

Application Date:	March 30, 2012
Completeness Date:	June 11, 2012
Public Notice (500 feet):	June 21, 2012
Minimum Comment Period:	July 5, 2012

Once the project application was determined complete the Notice of Application for this project was published the City of Bellevue weekly permit bulletin on June 21, 2012. It was mailed to property owners within 500 feet of the project site. Comments were received from neighbors in vicinity of the project. The comments are summarized below and have the following responses.

A. Increase of Density and Improper Use

Comment: Concerns that the low density of the R-1 zoning designation is being violated by the proposed guest cottage which is a separate house. There were also concerns that the proposed cottage will be rented to tenants.

Response: A guest cottage is allowed on any single family residential zoned property regardless of zoning density limits, provided the property is at least 13,500 square feet in area. Guest cottages cannot be rented for income as a separate residence/unit and are for the use of the residents or their guests. The restriction on renting a guest cottage is guaranteed by an agreement recorded with King County Records that restricts the property owner from renting the cottage. The agreement runs with the land and is in place for the life of the structure and will be enforced by the City if violated by a property owner. The City assumes an applicant will abide by the restrictions on a property but will investigate violations upon receiving a complaint. The City cannot enforce against a violation that has not yet occurred.

B. Improper Setbacks and Disputed Property Line

Comment: Concerns that the required setbacks in the R-1 zone are being violated by the proposed garage located in the rear setback and notification to the City that there is a disputed property line.

Response: The garage is located within the rear setback but is underground and/or 30 inches or less above grade. As proposed the garage is allowed to be within the rear setback. If the structure is not underground or is greater than 30 inches above grade it will be required to meet the setback.

A property line dispute must be resolved by the property owners. The City has no authority to resolve property line disputes. The positioning of the property line is not to a degree that would impact this approval for modification of the slope setbacks to construct the guest cottage. The property line in question is a side yard which has a smaller setback required which the cottage would not violate. If the property line moves the cottage will be required to meet the setbacks.

C. Impacts to Wildlife

Comment: The proposed structures will impact habitat, vegetation, and important species.

Response: This neighborhood is characterized by low-density development and steeper topography. As a result there is more tree canopy cover than other areas of the City that are connected to the large open tracts of forest nearby. The project consists of construction of a detached garage adjacent to the primary residence and a detached guest cottage located in the flatter pasture area between the house and SE 60th Street. Construction of the garage will require temporary excavation that will remove one small alder and one small cedar tree in the landscaping around the house. The guest cottage is located in a fenced pasture area that has served as the septic drain field for the residence. The pasture area has been maintained as a grassy open area that has been encroached by blackberry and other invasive plants; the area lacks significant trees as a result. The driveway for the cottage will remove two birch trees which line the driveway.

While any vegetation can provide habitat, the vegetation on this property that is impacted by the structures is not valuable habitat compared to other areas on the property such as the steep slopes that have tree cover which are being avoided. The project is required to provide mitigation planting consisting of native shrubs and trees. As described and conditioned in this report, the mitigation planting must be consolidated and located on the steep slopes behind the residence or in areas which will improve vegetation coverage on the slopes and remove invasive plants. The mitigation planting will improve the potential for the property to provide habitat equal to or better than the existing property condition.

D. View protection

Comment: Light pollution already impacts the views and wildlife in the vicinity and the additional structures will increase the impact.

Response: The structures are limited in height to the maximum allowed by the zoning code. There are no code requirements concerning light leaving the site or protection of views for residential properties. However, the proposed garage is underground and at the toe of a steep slope. Light leaving this structure toward adjacent properties up-slope of the site will be minimal to non-existent. Only the garage door is visible and facing east, toward the driveway. Mitigation planting on the property will help to block light leaving the site once the plants are established. Fencing, walls, and other planting may also buffer light leaving the property.

E. Stream and surface water impacts

Comment: The area is wet and prone to seeping. A stream is in the vicinity which was unknown to the City prior to development. Additional review of drainage is requested.

Response: The proposed project is not located in the required buffer or setbacks from the identified Type-N stream which is on the adjacent properties to the east of the site. The Utility Department reviews the site for conformance with drainage and storm water requirements as part of the construction permits. The submitted geotech report tested the soils where the construction is located and found the soils to be suitable for the proposed construction. All of the surrounding development has existed for years and required much more excavation and disturbance of slopes to construct than will be required for the new structures. Impervious surface coverage on the site is limited to 50 percent of the lot area and is not being exceeded by the project.

C. Traffic increase and Parking Increase

Comment: The new structure is really a new home that will generate significantly more traffic and increase the required parking.

Response: The proposed guest cottage is not considered a separate home as it is for the use of the primary residence and is an accessory to the residence. Construction of a detached structure associated with an existing residence does not require traffic analysis as the traffic generated is already assumed within the 10 daily trips generated by a residence. A residence is required to have 2 parking spaces which can be exceeded provided the amount of impervious surface conforms to the maximum allowed. There is no maximum parking limit for residential uses.

D. Noise

Comment: The construction noise will be an impact.

Response: Noise from construction is regulated by BCC 9.18 and is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff approved the application.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code,

Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth, Air, and Water

No large-scale earthmoving activity is proposed other than temporary excavation to construct the garage that will be restored. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department as part of a clearing and grading permit. The project is required to follow the recommendations of the geotechnical engineer. **See Conditions of Approval in Section X of this report.**

B. Plants and Animals

No significant or important species were identified on the site or where the structures are proposed. No significant vegetation is being removed by the structures. Mitigation planting is required to include trees and shrubs to provide vegetation cover on the slopes.

C. Noise

Any noise generated is regulated by Chapter 9.18 BCC. **See Section X for a related condition of approval.**

VII. Changes to Proposal Due to Staff Review

Staff required the proposed retaining wall around the guest cottage to be located within the pasture area to avoid any steep slopes. The project will require the property owner to record a guest cottage agreement to ensure the cottage is not rented. Additional plants have been required to achieve sufficient mitigation and plant density.

VIII. Decision Criteria

A. 20.25H.255.B Critical Areas Report Decision Criteria

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

1. **The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;**

   The project proposes 4,797 square feet of mitigation planting area that will provide native planting and improve vegetation cover on the slope. The planting as proposed is not sufficient and shall include trees and shrubs per the City's planting templates for steep slope areas. Based on the templates and the area of planting proposed at least 21 trees and 112 shrubs are required. The plants can be 1 to 2 gallons in size at installation. This plant density assumes at 15 on center spacing for trees and 6 foot spacing for shrubs. The planting area shall be consolidated on the site and located preferably on the steep slopes on the property or in areas of invasive plant coverage. The area of temporary disturbance should be included in the planting area. A revised planting plan is required to be submitted with the

building permit application that demonstrates these requirements. **See Section X for a related condition of approval.**

2. **The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;**
   The most important critical area function for the slopes on this site which are slope stability and erosion control are improved. Additional vegetation on the site will improve the habitat potential the property has by increasing the number of trees and shrubs.

3. **The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;**
   Stormwater quality will be improved by increased capture of runoff from the vegetation to be installed.

4. **Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;**
   A maintenance surety will be required for the cost of labor and materials for 5 years of maintenance and monitoring. The surety is required to be posted prior to building permit issuance. **See Section X for a related condition of approval.**

5. **The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and**
   The modifications and performance measures in this proposal are not detrimental to the functions and values of the steep slope. The structures on the site largely avoid the steep slopes on the site and located the structures in areas that are already disturbed.

6. **The resulting development is compatible with other uses and development in the same land use district.**
   Detached garages and other structures are commonly associated with single-family development. Noise generated by construction is limited to the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. **See Conditions of Approval in Section X of this report.**

A. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria
The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

1. **The proposal obtains all other permits required by the Land Use Code;**
   The applicant must obtain a building permit and utility permits. **See Conditions of Approval in Section X of this report.**

2. **The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;**
   The proposed structures avoid steep slope critical areas except for temporary excavation for the garage. Development is located in already disturbed areas as much as possible. The mitigation planting proposed will improve vegetation coverage on the site and restore the area disturbed by temporary excavation.

3. **The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;**
   As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

4. **The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**
   The proposed activity will be served by adequate public facilities.

5. **The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**
   The mitigation planting is proposed to be consistent with the City's planting templates for steep slopes. The planting and conditions in this staff report make the project consistent with LUC 20.25H.210.

6. **The proposal complies with other applicable requirements of this code.**
   As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the reduction of the 75-foot toe-of-slope structure setback and 50-foot buffer to allow construction of a garage and guest cottage and associated improvements as seen on Attachment 1. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. **Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a building permit or other required permits must be submitted and approved. Plans submitted as part of either permit application shall be consistent with the activity permitted under this approval.

   Authority: Land Use Code 20.30P.140
   Reviewer: Reilly Pittman, Development Services Department

2. **Rear Setback Intrusion:** The portion of the garage located in the rear setback is required to be underground and/or 30 inches or less above the average existing grade.

   Authority: Land Use Code 20.20.020
   Reviewer: Reilly Pittman, Development Services Department

3. **Guest Cottage Agreement:** A guest cottage agreement, provided by the City is required to be completed prior to building permit issuance. The agreement is required to ensure the cottage is not rented.

   Authority: Land Use Code 20.20.250
   Reviewer: Reilly Pittman, Development Services Department

4. **Mitigation Planting Plan:** A revised mitigation planting plan is required as part of the building permit submittal. The plans must include native trees and shrubs per the City's planting templates and be at a similar plant density. The planting templates are Attachment 2 of this report. The planting area shall be consolidated on the site, preferably on the steep slopes areas or in areas of where invasive plants can be removed. The area of temporary excavation should be restored by the planting.

   Authority: Land Use Code 20.30P.140; 20.25H.220
   Reviewer: Reilly Pittman, Development Services Department

5. **Monitoring Performance Standards: Monitoring:** The planting area shall be maintained and monitored for 5 years per the template which is Attachment 3. Annual monitoring reports are to be submitted to Land Use each of the five years. The following schedule and performance standards as found on the template apply and are evaluated in the report for each year:

   Year 1 (from date of plant installation)
   - *100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%*
   - *0% coverage of invasive plants in planting area*

   Year 2 (from date of plant installation)
   - *At least 90% survival of all installed material*
   - *Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation*

   Year 3, 4, & 5 (from date of plant installation)
   - *At least 85% survival of all installed material*
   - *At least 35%(Yr3), 50%(Yr4), 70%(Yr5) coverage of the planting area by native plants in each year respectively*
   - *Less than 10% coverage by invasive species or non-native/ornamental vegetation*

   The reports, along with a copy of the planting plan, can be sent to Reilly Pittman at rpittman@bellevuewa.gov or to the address below:

   Environmental Planning Manager
   Development Services Department
   City of Bellevue
   PO Box 90012
   Bellevue, WA 98009-9012

   Authority: Land Use Code 20.30P.140; 20.25H.220
   Reviewer: Reilly Pittman, Development Services Department

6. **Maintenance Surety:** A maintenance surety based on the cost estimate for labor and materials to conduct 5 years of monitoring will be required prior to building permit issuance. The maintenance surety is required to be held until completion of the 5-year monitoring. Release of this surety is contingent upon successful monitoring established by the plan above. Land Use inspection of the planting after 5-years is required to release the surety.

   Authority: Land Use Code 20.30P.140
   Reviewer: Reilly Pittman, Development Services Department

7. **Land Use Inspection:** Following installation of planting the applicant shall contact Land Use staff to inspect the planting area and release the installation surety. At the end of 5 years inspection by Land Use staff is required to release the maintenance surety. Staff will need to find that the plants are in a healthy and growing condition and the mitigation plan is successful per the established performance standards in the monitoring plan.

   Authority: Land Use Code 20.30P.140
   Reviewer: Reilly Pittman, Development Services Department

8. **Hold Harmless Agreement:** The applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within a critical area buffer in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to building permit issuance. Staff will provide the applicant with the hold harmless form.

   Authority: Land Use Code 20.30P.170
   Reviewer: Reilly Pittman, Development Services Department

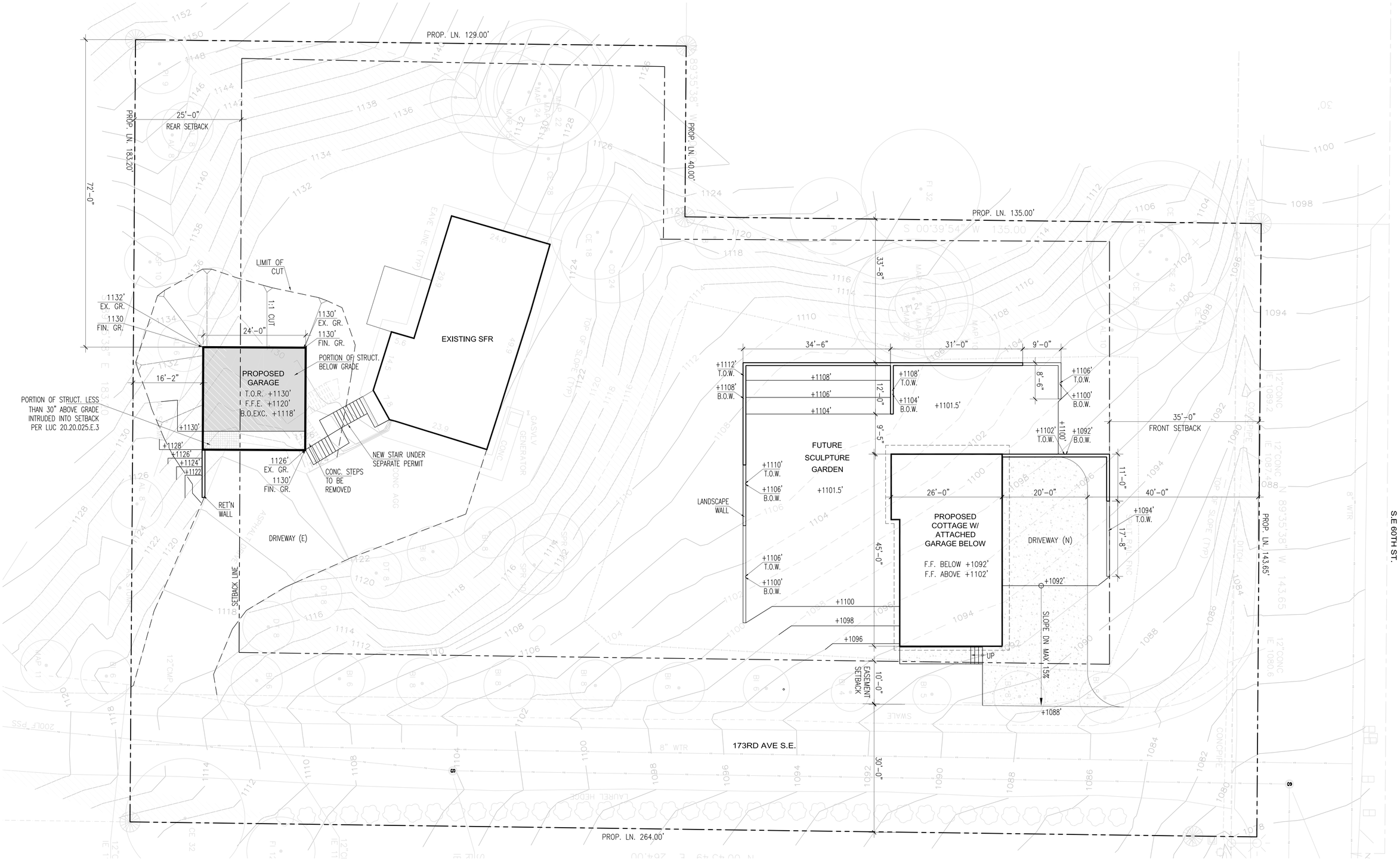
9. **Geotechnical Recommendations:** The project is required to follow the recommendations of the geotechnical engineer found in the report and letter prepared by Geotech Consultants Inc. or as amended during the course of the project.

   Authority: Land Use Code 20.30P.140
   Reviewer: Reilly Pittman, Development Services Department

10. **Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

    Authority: Bellevue City Code 9.18
    Reviewer: Reilly Pittman, Development Services Department

Attachment 1



Site Plan

Scale: 1"=10'-0"

N

Consultants

Stamp of Record

REGISTERED ARCHITECT MARK TRAVERS STATE OF WASHINGTON 5130

Mark Travers Architect, AIA
Seattle, WA 98122
2315 East Pike Street
Tel: 206-763-8496
Fax: 206-328-3238
www.marktraversarchitect.com

Drawn: MN
Checked: MTT
Date: 08-01-2012

Brancato - Home Remodel
6021 173rd Ave SE
Bellevue, WA 98006

Excavation Plan

Submittal / Revisions

A1.2

NEW SLOPE BUFFER IMPACTS
576 SF

TEMPORARY SLOPE BUFFER IMPACTS
2676 SF

SLOPE RETORATION/ENHANCEMENT
4797 SF

NOTES:

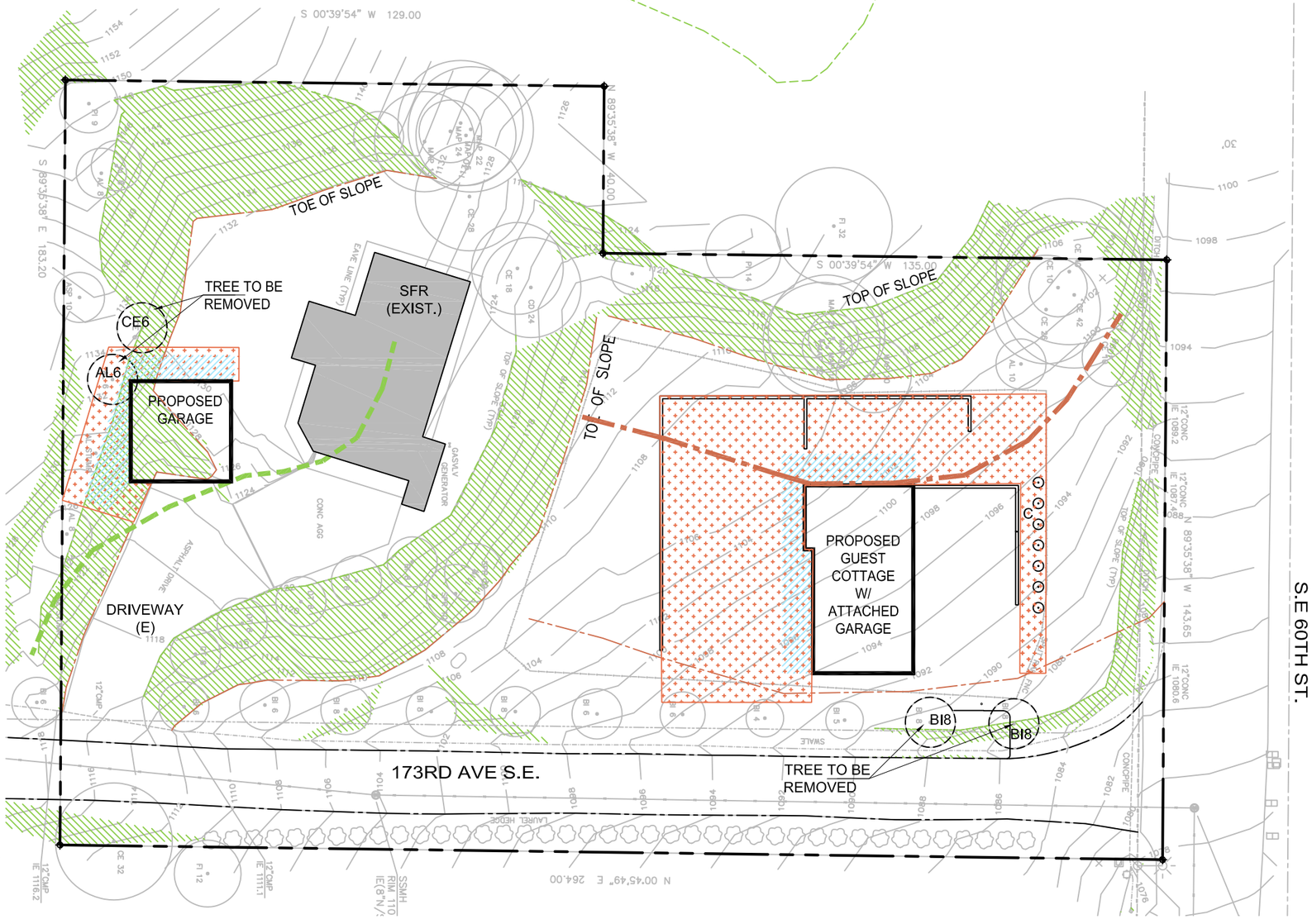
- RESTORE ALL TEMPORARILY IMPACTED AREAS WITH 4" TOPSOIL.
- GREEN ROOF: THE DETACHED GARAGE WILL BE A "BUNKER" STYLE THAT WILL BE BURIED APPROXIMATELY 6 FEET BELOW THE GRADE OF THE CURRENT YARD AREA TO THE SOUTH OF THE HOUSE. THE SURFACE OF THE ROOF WILL BE COVERED WITH AT LEAST 12" OF TOPSOIL.
- NATIVE WOODY VEGETATION SHALL BE PRESERVED. PROTECT THE SIGNIFICANT TREES SHOWN TO REMAIN AND MAINTAIN PROTECTION THROUGHOUT CONSTRUCTION.
- ALL EXCAVATED MATERIALS SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND HAULED TO AN APPROVED DUMP SITE.
- CONNECT ALL FOOTING DRAINS AND TIGHTLINE DIRECT TO DAYLIGHT OUTFALL AT EDGE OF WATER.
- CONNECT ALL ROOF DRAINS (SEPARATE FROM FOOTING DRAINS) AND TIGHTLINE TO DAYLIGHT OUTFALL AT EDGE OF WATER.
- CONNECT ALL CATCH BASINS AND TIGHTLINE THROUGH THE OIL/WATER SEOARATOR INTO THE ROOF DRAIN SYSTEM.
- ALL ROOF DRAINS AND FOOTING DRAINS SHALL BE SEPARATED. TIGHTLINE EACH TO STORM DRAINAGE SYSTEM AS REQUIRED.
- SEE ATTCHED DRAWING SETS FOR ADDITIONAL INFORMATION REGARDING BUILDING PLAN, ELEVATION, BLDG HEIGHT.
- THE MITIGATION AREA TO BE PLANTED WITH NATIVE PLANTING PER THE CITY'S PLANTING TEMPLATES FOR STEEP SLOPE.

Groundcover

KEY	COMMON NAME	BOTANICAL NAME	NOTES
	KINNIKINNICK	ARCTOSTAPHYLOS UVA–URSI	AS NEEDED WITH 24" O.C.
	SWORD FERN	POLYSTICHUM MUNITUM	AS NEEDED WITH 4' O.C.

Plant Schedule

KEY	COMMON NAME	BOTANICAL NAME	QTY.	SIZE	NOTES
CE6	CEDAR	THUJA PLICATA	1	6"Ø	EXIST. TREE TO BE REMOVED
AL6	ALDER	ALNUS RUBRA	1	6"Ø	EXIST. TREE TO BE REMOVED
BI8	BIRCH	BETULUS SP.	2	8"Ø	EXIST. TREE TO BE REMOVED
C	CYPRESS	CUPRESSUS SEMPERVIRENS	7	3"Ø	NEW TREES WITH 5' O.C.



Mitigation & Restoration Plan
Scale: 1"=30'-0"

N

Mark Travers Architect, AIA
www.marktraversarchitect.com
2315 East Pike Street
Seattle, WA 98122
Tel: 206-763-8496
Fax: 206-328-3238

GEOLOGICAL HAZARDS TEMPLATE


Oceanspray


Thimbleberry


Mock Orange

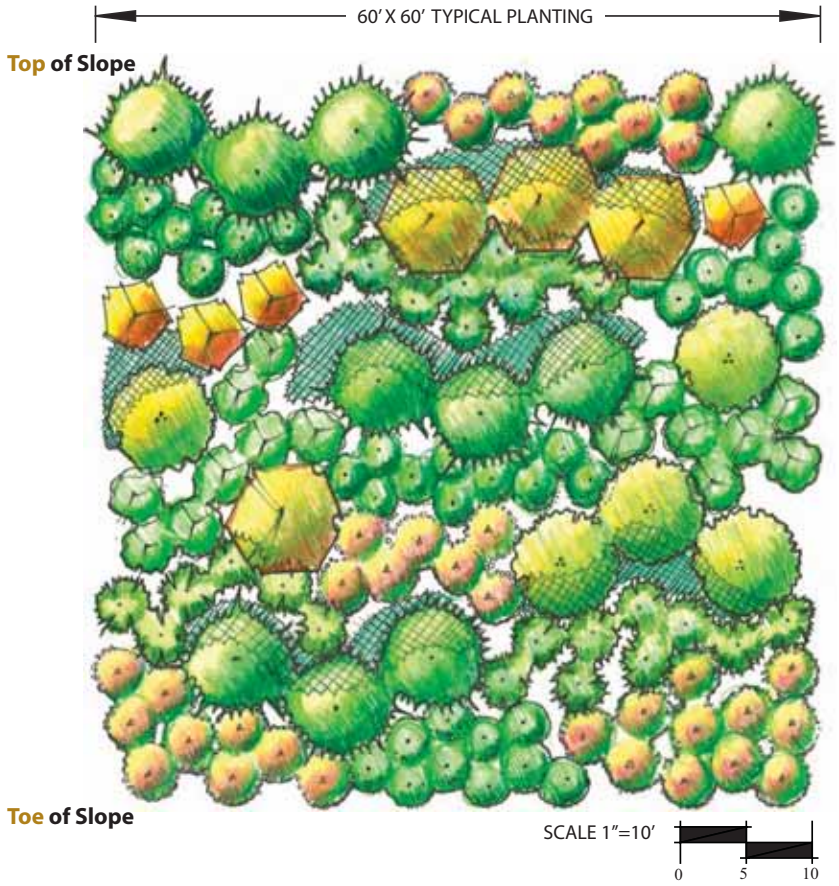

Douglas-fir

Geological Hazards

Steep Slope Planting Template
for ***Sunny*** and ***Shady*** Sites

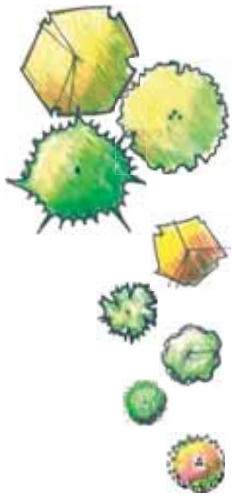
A1

GEOLOGICAL HAZARDS (STEEP SLOPE) PLANTING TEMPLATE

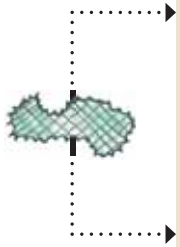


Steep slopes commonly have fragile, erodible soils. Planting can be difficult to establish in these areas as gravity, wind, and rain have a tendency to pull nutrient-rich soil down the slope. In addition, sunny sites require drought-tolerant plants, while both sunny and shady sites require plants with strong, root systems to keep soil intact. On the next two pages you will find one legend designed for sunny, steep sites and one designed for shady, steep sites. The plants chosen for these templates are known for drought tolerance and soil-binding characteristics. With the successful establishment of plants on steep slopes, the potential for erosion decreases. For additional information on Steep Slopes, refer to the section on *Geological Hazard Areas* in *Chapter One* and the City's Critical Areas Ordinance. Note, these templates are to be used for stable and undisturbed sloping sites. If your site has experienced a landslide or substantial erosion, do not use this template; consult a professional.

PLANT LEGEND FOR SUNNY SITES



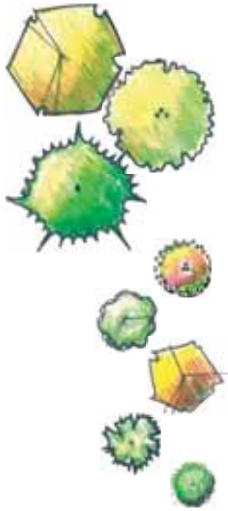
LATIN NAME/ COMMON NAME	TYPICAL SPACING/ AVERAGE HEIGHT	CHARACTERISTICS
TREES		
Acer macrophyllum/ Big-leaf maple	9 feet on center/ 75 feet	Yellow fall color, provides understory shade, largest leaf of all maples
Alnus rubra/ Red alder	9 feet on center/ 60 feet	Vigorous grower, provides cover quickly for other plants
Pseudotsuga menziesii/ Douglas-fir	9 feet on center/ 100 feet	Highly adaptable, fast grower
SHRUBS		
Corylus cornuta/ Beaked hazelnut	6 feet on center/ 11 feet	Edible acorn, wildlife food. Small understory tree, yellowish fall color
Holodiscus discolor/ Oceanspray	4.5 feet on center/ 7 feet	Spectacular blossom; attracts hummingbirds and butterflies
Philadelphus lewisii/ Mock orange	4.5 feet on center/ 8 feet	Fragrant white blossom
Rubus parviflorus/ Thimbleberry	4 feet on center/ 8 feet	Delicious edible berries, fast grower, likes sun
Symphoricarpos albus/ Snowberry	4.5 feet on center/ 5 feet	White berries, proven performer in tough conditions
GROUNDCOVERS & PERENNIALS		
Arctostaphylos uva-ursi/ Kinnikinnick	*24 in. on center/ 6-8 in.	Evergreen groundcover, great for rockeries and full sun areas
Fragaria chiloensis/ Coastal strawberry	*24 in. on center/ 4-6 in.	Tough, highly adaptable groundcover w/ red stems and edible berries
Festuca idahoensis/ Idaho fescue	*24 in. on center/ 2.5 feet	Bluish leaves, clumping
Polystichum munitum/ Sword fern	*24 in. on center/ 5 feet once mature	Semi-evergreen fern, highly adaptable
Epilobium angustifolium/ Fireweed	*24 in. on center/ 1.5-2 feet	Big purple flowers on a tall stem



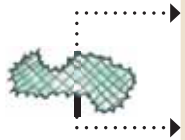
* *Indicates plants are to be triangularly spaced for the area shown. See page 23 for triangular spacing.*

A1-Sun

PLANT LEGEND FOR SHADY SITES



LATIN NAME/ COMMON NAME	TYPICAL SPACING/ AVERAGE HEIGHT	CHARACTERISTICS
TREES		
Acer macrophyllum/ Big-leaf maple	9 feet on center/ 75 feet	Yellow fall color, provides understory shade, largest leaf of all maples
Alnus rubra/ Red alder	9 feet on center/ 60 feet	Vigorous grower, provides cover quickly for other plants
Thuja plicata/ Western red cedar	9 feet on center/ 150 feet	Fragrant, adaptable to many sites
SHRUBS		
Acer circinatum/ Vine maple	4.5 feet on center/ 20 feet	Bright red fall color, small understory tree, grows well in shade
Amelanchier alnifolia/ Western serviceberry	4.5 feet on center/ 20 feet	Fragrant flowers, edible red to purple berries
Corylus cornuta/ Beaked hazelnut	6 feet on center/ 11 feet	Edible acorn, wildlife food, small understory tree, yellowish fall color
Oemleria cerasiformis/ Osoberry	4.5 feet on center/ 10 feet	Berries attract birds, first shrub to leaf out in spring
Sambucus racemosa/ Red elderberry	4 feet on center/ 15 feet	Edible berries, fast grower, graceful form with age
GROUNDCOVERS & PERENNIALS		
Arctostaphylos uva-ursi/ Kinnikinnick	*24 in. on center/ 6-8 in.	Evergreen groundcover, great for rockeries and full sun areas
Asarum caudatum/ Wild ginger	*24 in. on center/ 6-8 in.	Tough groundcover, great for planting under shrubs and trees
Polystichum munitum/ Sword fern	*24 in. on center/ 5 feet once mature	Semi-evergreen fern, highly adaptable



* *Indicates plants are to be triangularly spaced for the area shown. See page 23 for triangular spacing.*

A1-Shade

MITIGATION and RESTORATION MONITORING GUIDANCE

The following monitoring guidance is intended assist project applicants meet code requirements, achieve positive mitigation outcomes and save both time and money. Bellevue's critical areas ordinance (CAO), contained in section 20.25H of the Land Use Code, states that a mitigation and restoration plan must be developed anytime temporary or permanent impacts are proposed for critical areas, their buffers, or their structure setbacks. One key element of the mitigation and restoration plan is a monitoring program with performance measures that ensure the plan's goals and objectives are being met. The monitoring program allows for recognition of performance deficiencies and corrective actions to be taken as part of ongoing maintenance actions.

MONITORING TIMEFRAME

The Bellevue's CAO requires monitoring at various timeframes depending on the scope of the mitigation and restoration effort. When mitigation is required to lessen unavoidable impacts to critical areas and their functions, then a minimum of 5 years of mitigation monitoring is required. When voluntary critical area restoration is proposed, the monitoring timeframe may be reduced to 3 years. The CAO also requires that temporary disturbance restoration be monitored for at least one year from the date of project acceptance. In situations where the resource is of relatively high value or the impacted functions may take longer or be more difficult to replicate, the requirements may be lengthened beyond 5 years. If routine monitoring reveals the site is not meeting the performance standard, then corrective action must be taken within 30 days or the monitoring program will repeat the current year until standard is met.

Whenever a project is subject to greater monitoring timeframes required by state or federal permitting authorities, the city does not require that a separate monitoring program be developed. The city will accept the approved program and monitoring reports, even if city's monitoring schedule expires before that of the federal or state agencies'.

MONITORING METHODOLOGY

For smaller mitigation and/or restoration areas (<500 square feet) the entire area should be monitored. For larger areas (>500 square feet), the use of sample plots should be used and the results extrapolated for the entire area based on the percentage sampled of the entire mitigation area. The sample plots (circular, 100^{th}-acre plots with radius of 11.8 feet) should be randomly placed throughout the area with one plot for each 5,000 square feet of mitigation area. For mitigation areas of less than 5,000 square feet, there should be at least one plot.

In years 1 and 2, the monitoring focuses on plant survival and invasive species exclusion. Plant survival is reported as a percentage of surviving native plants to the total number plants installed. Invasive species is reported by estimating the percent area of ground covered by foliage from invasive, non-native species. In year 3, the monitoring program adds in an estimation of percent ground covered by native plants. The estimate includes both installed and naturally volunteering natives. In years 4 and 5, the percent plant survival is removed, and only percent native plant and invasive species coverage are tracked.

At least three photo points should be shown on the project plans. These points should be clearly marked in the field with stakes. Photographs from each of these points should be included with each monitoring report.

MINIMUM MONITORING and REPORTING SCHEDULE & PERFORMANCE MEASURES

Length of Monitoring Program			Monitoring Year & Monitoring Schedule		Reporting Schedule	Native Plant Establishment and Survival[3]	Native Vegetation Cover[4]	Invasive Cover
Mitigation requires 5 years year	**Restoration requires 3 years**	**Temporary disturbance restoration requires 1**	**Year 1**	If mitigation is installed during Fall or Winter, then first monitoring event shall occur at the beginning of the growing season (April[1]), to assess leaf emergence and shoot growth of the installed plants; and then be monitored again at the end of the growing season (September-October[2]).	[1]May 1st [2]November 30th	100%	N/A	0%
			Year 2	End of the second growing season (September-October) after installation approval.	November 30th	90%	N/A	<10%
			Year 3	End of the third growing season (September-October) after installation approval.	November 30th	85%	>35%	<10%
			Year 4	End of the fourth growing season (September-October) after installation approval. For mitigation projects that are successful at the end of Year 3, this monitoring event is waived.	November 30th	N/A	>50%	<15%
			Year 5	End of the fifth growing season (September-October) after installation approval.	November 30th	N/A	>70%	<15%

[3]All live, installed plants should be counted and then compared as a percentage to the overall quantity installed.

[4] Naturally established native plants (volunteers) may be considered towards percent cover.

MONITORING REPORTS

Monitoring reports not using the *Bellevue's Mitigation and Restoration Monitoring Form* (see below) shall contain the information in the following outline and be no longer than five pages, not including appendices.

(1) Project overview (1-2 pages), including:
   a. Bellevue permit number
   b. Project address
   c. Name and contact information of applicant and consultant
   d. Name and contact information of party responsible for conducting the monitoring
   e. Date(s) monitoring was performed
   f. Date mitigation and/or restoration was installed
   g. Performance standards and whether they are being met
   h. Dates and description of any corrective or maintenance actions that have occurred since installation or the last report submission
   i. Specific recommendations for any corrective measures or maintenance actions to be performed until the next monitoring event

(2) The body of the report (2-3 pages)should contain the following information with headings:
   a. Description of the permitted project
   b. Mitigation and restoration plan's goals and objectives
   c. Description of monitoring methodology
   d. Summary of monitoring results

(3) Appendices to the report should include:
   a. Project vicinity map (8.5" x 11")
   b. Permitted project site plan (11" x 17")
   c. Mitigation and restoration plan maps (11" x 17")
   d. Copy of data forms or field notes
   e. Photo documentation

ASSURANCE DEVICES

To ensure that the mitigation effort is successful and that all of the performance measures are satisfied, a *Maintenance Assurance Device* will be held in a private account of the applicant's choosing. The amount of the assurance device shall be equal to 100% of the value of the labor and materials needed to complete the mitigation effort. The determination of the value shall be based on cost estimates for the labor and materials from qualified contractors and plant suppliers. The assurance device will be released back to the project applicant after the final required monitoring report has been received that verifies that all of the performance standards have been met.

Permit Number:	Monitoring Date:	Reporting Date:
Applicant Name:	Consultant Name and Company:	
Applicant Phone or Email:	Consultant Phone or Email:	

Any criteria not meeting standard shall be accompanied by the attached CORRECTIVE ACTION ADDENDUM

Length of Monitoring Program **(Circle one)**			Monitoring Year & Monitoring Schedule **(Circle the year)** **Date of Installation:_____**		Reporting Deadline **(Circle one)**	Plant Survival	Native Vegetation Cover	Invasive Cover
						(Write-in the measured performance on the line)		
Mitigation requires 5 years	**Restoration requires 3 years**	**Restoration of temporary disturbance requires 1 year**	**Year 1**	If mitigation is installed during Fall or Winter, then first monitoring event shall occur at the beginning of the growing season (April[1]), to assess leaf emergence and shoot growth of the installed plants; and then be monitored again at the end of the growing season (September-October[2]).	[1]May 1st [2]November 30th	**100%** Performance: _____ At Standard? YES or NO	N/A	**0%** Performance: _____ Standard met? YES or NO
			Year 2	Monitor at the end of the second growing season (September-October) after installation approval.	November 30th	**90%** Performance: _____ At Standard? YES or NO	N/A	**<10%** Performance: _____ At Standard? YES or NO
			Year 3	Monitor at the end of the third growing season (September-October) after installation approval.	November 30th	**85%** Performance: _____ At Standard? YES or NO	**>35%** Performance: _____ At Standard? YES or NO	**<10%** Performance: _____ At standard? YES or NO
			Year 4	Monitor at the end of the fourth growing season (September-October) after installation approval. For mitigation projects that are successful at the end of Year 3, this monitoring event is waived.	November 30th	N/A	**>50%** Performance: _____ At Standard? YES or NO	**<15%** Performance: _____ At Standard? YES or NO
			Year 5	Monitor at the end of the fifth growing season (September-October) after installation approval.	November 30th	N/A	**>70%** Performance: _____ At Standard? YES or NO	**<15%** Performance: _____ At Standard? YES or NO

CORRECTIVE ACTIONS ADDENDUM

Permit Number: _____ **Monitoring Date:** _____

Monitoring Year (circle): 1^{spring} 1^{fall} 2 3 4 5

Performance Standard (circle all that apply): Plant Survival Native Coverage Invasive Coverage

Corrective Action:

_____

_____

_____

_____

Timing of Corrective Action: _____

Performance Standard (circle all that apply): Plant Survival Native Coverage Invasive Coverage

Corrective Action:

_____

_____

_____

_____

Timing of Corrective Action: _____

Performance Standard (circle all that apply): Plant Survival Native Coverage Invasive Coverage

Corrective Action:

_____

_____

_____

_____

Timing of Corrective Action: _____

Land Use Planner Verification: _____